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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,773	12/26/2001	James H. Kerr SR.	PI499USA	5870

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER	
PARDO, THUY N	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/025,773	KERR, JAMES H.	
	Examiner	Art Unit	
	Thuy N. Pardo	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,7-12 and 14-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,7-12 and 14-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 5, 7-12 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolavage et al. (hereinafter "Bolavage") US Patent Application No. 2002/0084889, in view of Branscomb et al. (Hereinafter "Branscomb") US Patent No. 7,240,364.

As to claim 1, Bolavage teaches a tracking device system consisting of [see the title and abstract]:

a physical asset [an asset associated with a tag 30, 32, 34 of fig. 1; 0031];

a transmitter attached to the physical asset [tag that associated with the asset, fig. 1], for transmitting a first data signal [tag detects the interrogator's activation signal, 0005];

a communication means [smart interrogator 22 of fig. 1] for receiving the first data signal [read, write, collect and store information from the tags 30, 32, 34 and establish a JDBC connection with the logistic server 10 and update the logistic database server 12, fig. 1; 0033].

Bolavage also teaches tracking location of the item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

However, Bolavage does not explicitly teach displaying a status symbol corresponding to the location of the physical asset whereby if the status symbol is a first color the physical asset is not detected, if the status symbol is a second color the physical asset is detected but not detected in its proper location, and if the status symbol is a third color the physical asset is detected in its proper location. Branscomb teaches displaying a status symbol corresponding to the location of the physical asset whereby if the status symbol is a first color the physical asset is not detected, if the status symbol is a second color the physical asset is detected but not detected in its proper location, and if the status symbol is a third color the physical asset is detected in its proper location [displays the status of any faults. Each FCAP button may be colored according to a hierarchical color code where, for example, green means normal operation, red indicates a serious error and yellow indicates a warning status, col. 37, lines 44 to col. 38, lines 21].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Branscomb to Bolavage's system an essential means to detect whether the physical device is in its proper location based on the status symbols.

As to claim 3, Bolavage and Branscomb teach the invention substantially as claimed. Branscomb further teaches outputting a status symbol representing the stored status signal [col. 37, lines 44 to col. 38, lines 21], and monitoring the status of output from the timing module and providing a status signal to the hardware control logic [col. 136, lines 14 to col. 137, lines 9].

As to claim 5, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches manipulating the stored status signal by using the personal computer to generate, save and print reports, 0007].

As to claims 7-9, Bolavage and Branscomb teach the invention substantially as claimed. Branscomb teaches displaying a status symbol corresponding to the location of the physical asset whereby if the status symbol is a first color the physical asset is not detected, if the status symbol is a second color the physical asset is detected but not detected in its proper location, and if the status symbol is a third color the physical asset is detected in its proper location [displays the status of any faults. Each FCAP button may be colored according to a hierarchical color code where, for example, green means normal operation, red indicates a serious error and yellow indicates a warning status, col. 37, lines 44 to col. 38, lines 21].

As to claim 19, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches a computer network [see the abstract and fig. 1]; at least one server in communication with the computer network [ab; fig. 1]; a storage device for storing information [col. 4, lines 23-25]; and tracking location of the item via World Wide Web connection and for

housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

As to claims 3, 20 and 21, all limitations of these claims have been addressed in the analysis of claims 1 and 19 above, and these claims are rejected on that basis.

As to claim 10, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches the communication means comprises a personal computer [18 of fig. 1].

As to claim 11, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches that receiving means comprises a personal computer [18 of fig. 1].

As to claim 12, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches the receiving means generates, saves and prints reports based on the second status signal [col. 9, lines 32-46].

As to claims 13-16, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 17, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches a database for storing information about the first data signal [ab; 0031-0032]

As to claim 18, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches that the user having been granted exclusive access rights to the database and the user only gaining access by using a password or personal identification number [0032; 0050].

As to claim 22, Bolavage and Branscomb teach the invention substantially as claimed. Bolavage further teaches that the communication medium is the Internet [see fig. 1].

Response to Arguments

3. Applicant's arguments filed February 24, 2009 have been considered but are moot in view of the new ground of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy N. Pardo/
Primary Examiner, Art Unit 2627